ORDINANCE 2013-20

AN ORDINANCE AMENDING CHAPTER 157, *SUBDIVISION REGULATIONS*, AND CHAPTER 158, *ZONING CODE*, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 157.03, *DEFINITIONS*; AMENDING SECTION 158.006, *DEFINITIONS*; AMENDING SECTION 158.007(A), *ZONING MAP ADOPTED, INTERPRETATION*; ADOPTING REVISIONS TO THE OFFICIAL ZONING MAP AND MAP LEGEND TO REFLECT THE NEW ZONING DISTRICT NAMES FOR THE PLANNED DEVELOPMENT (PD), GULF PLANNED DEVELOPMENT (GPD), AND NEGOTIATED PLANNED DEVELOPMENT (NPD); AMENDING SECTION 158.008, *ESTABLISHMENT OF DISTRICTS*; AMENDING SECTION 158.009(L), *DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES*; AMENDING SECTION 158.065, *PURPOSE*; AMENDING SECTION 158.067, *REVIEW AND APPROVAL PROCEDURE*; AMENDING SECTION 158.068, *MINIMUM AREA;* AMENDING SECTION 158.070, *RESIDENTIAL DENSITY*; AMENDING SECTION 158.071, *PROPOSED LAND USES*; AMENDING SECTION 158.097(U), *APPLICATION FOR SITE PLAN APPROVAL*; AMENDING SECTION 158.102(L), *SUPPLEMENTAL CONTROLS FOR MULTIFAMILY RESIDENTIAL OR TOURISM USES;* AMENDING SECTION 158.125, *SCHEDULE OF USE REGULATIONS;* AMENDING SECTION 158.132, *TOURISM USES*; AMENDING SECTION 158.138, *STATUS OF NONCONFORMITIES*; AMENDING SECTION 158.145, *SCHEDULE OF LOT, YARD AND BULK REGULATIONS*; AMENDING SECTION 158.147, *LOT DIMENSIONS*; AMENDING SECTION 158.149, *MAXIMUM COVERAGE BY BUILDINGS*; AMENDING SECTION 158.150, *YARD REGULATIONS*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key ("Town") adopted amendments to its Comprehensive Plan through Ordinance 2011-28 on August 10, 2011; and

WHEREAS, through Ordinance 2011-28 the Town amended Policy 1.1.10, Table 1, and the Future Land Use Map of the Future Land Use Element of the Town of Longboat Key Comprehensive Plan, which in part renamed the Planned Development (PD), Gulf Planned Development (GPD), and Negotiated Planned Development (NPD) future land use designations as Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Water Club/Promenade (MUC-3), respectively; and

WHEREAS, the Town administratively revised the official zoning map and legend to reflect the new names and to be consistent with the renamed future land use designations in the Comprehensive Plan, and now wishes to formally adopt a revised

official zoning map and map legend and amend Section 158.007(A) of the Zoning Code to delete the reference to a prior ordinance that had adopted an earlier official zoning map; and

WHEREAS, the Town previously adopted amendments to its Zoning Code through Ordinance 2012-08 on July 2, 2012, to maintain consistency with the Comprehensive Plan and to provide additional clarity for the planned unit development review and approval process; and

WHEREAS, further amendments to the Town's Zoning Code are required to comply with the final judgment in Islandside Property Owners Coalition, LLC, et al. v. Town of Longboat Key, et al. that was issued on November 13, 2012 and amended on December 4, 2012; and

WHEREAS, the Town adopted initial amendments to its Zoning Code through Ordinance 2013-07 on March 4, 2013, to update the criteria and procedures regarding the eligibility for and allocations of the 250 additional tourism units authorized by a referendum held on March 18, 2008; and

WHEREAS, after review of the sections and subsections within Chapter 157 *Subdivision Regulations* and Chapter 158 *Zoning Code*, it was determined that additional amendments were necessary to Sections 157.03, 158.006, 158.007, 158.008, 158.009, 158.065, 158.067, 158.068, 158.070, 158.071, 158.097, 158.102, 158.125, 158.132, 158.138, 158.145, 158.147, 158.149, 158.050, and the official zoning map; and

WHEREAS, at a duly noticed public hearing on _____, 2013, the Planning and Zoning Board found the subject Zoning Code amendments to be consistent with the Town's Comprehensive Plan and recommended that the Town Commission approve the Zoning Code amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on _____, 2013, and on _____, 2013, considered the proposed Zoning Code amendments as recommended by the Planning and Zoning Board; and

WHEREAS, the Town has received and considered comments from the public; and

WHEREAS, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Zoning Code amendments are consistent with the Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 157, *Subdivision Regulations,* Section 157.03, *Definitions*, is hereby amended to adjust the following definitions to conform with Sections 158.006 and 158.147:

"Lot depth." The distance measured by a straight line from the midpoint of the front lot line to its intersection with the midpoint of the rear lot line. ~~in the mean direction of the side line of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.~~

"Lot width." The horizontal distance between the side lot lines measured along the minimum street setback (yard) line as required for the district in which it is located. ~~at right angles to the lot depth along a straight line parallel to the front lot line at the minimum required setback at the front building setback line.~~

SECTION 3. Chapter 158, *Zoning Code,* Article I, *General Regulations*, Section 158.006, *Definitions*, is hereby amended as follows:

"Binding concept plan." A general graphic and informational representation or depiction of the proposed development or development phase that is submitted with an outline development plan. The binding concept plan shall in its entirety indicate the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development and as enumerated in sections 158.067 and 158.102. Binding concept plans are required as part of outline development plans (ODP) that are submitted for planned unit development (PUD) approval, except where this code explicitly allows a final site development plan to replace a binding concept plan (see, for instance, sections 158.067(B)(1) and 158.180(F)). Binding concept plans become an integral part of ODP/PUD approvals.

"Bulk." Height and percentage of land or lot coverage of a building.

"Columbarium." A final resting place for urns of cremated remains.

"Density, overall." The maximum allowable number of dwelling units divided by the acreage of all property included in either the MUC-1, MUC-2 or MUC-3 zoning districts, including recreational areas, open space areas, road rights-

of-way, wetland areas and other nonresidential lands. (See section 158.009(L).)

"Density, maximum gross residential." The maximum allowable number of dwelling or tourism units per acre of gross land area, as determined by this Zoning Code. (See "Gross Land Area.")

"Departure." A departure is a type of formal modification of a standard or constraint of this code that may be approved by the town commission when considering applications for a planned unit development. A departure is not a variance and thus need not be predicated on conditions peculiar to the property or require a showing of unnecessary and undue hardship. See section 158.067(D).

"Existing only." A use of land that is permitted only if it lawfully existed on January 1, 2013. A use that qualifies as "existing only" is not classified as a nonconforming use and is afforded the same privileges as a permitted use and may be reconstructed in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

"Golf course." A tract of land improved with tees, greens, fairways, and hazards and maintained for playing the game of golf. Golf courses with at least eighteen holes may contain accessory uses such as clubhouses, restaurants, shelters, and spas.

"Gross land area." Those contiguous land areas under common ownership with the following provisions and exceptions:

(1) In cases where land abuts the tidal waters of the Gulf of Mexico, Sarasota Bay, and all bayous, estuaries, tributaries and manmade canals thereof, the boundary of the land shall be delineated as established by F.S. ch. 177, pt. II, Coastal Mapping, or as may be amended.

(2) No submerged land or aquatic areas waterward of the boundary above-described, shall be included as land under this definition. Submerged land or aquatic areas shall include both tidal waters as well as nontidal rivers, streams, lakes, and lands beneath the same. The upper limit of these water bodies is the mean high tide line in tidal areas and the ordinary high-water line in nontidal areas.

(3) No land areas proposed to be allocated to nonresidential uses shall be included as residential land area under this definition. Such nonresidential land shall not be calculated in density calculations, excepting contiguous areas under unity of title which are stipulated for use as:

(a) Infrastructure required to support the proposed residential development; and

(b) Recreational lands for the primary use of on-site residents.

"Hotel" or "motel." A building or structure under a common or multiple ownership interest and single management which is designed, used, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. A hotel or motel, with or without individual kitchen or cooking facilities, may have accessory uses including meeting rooms, conference facilities, and one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served.

"Liner building." A building or portion of a building constructed in front of a parking garage, cinema, supermarket, or similar building to conceal large expanses of blank wall area with a facade that has doors and windows.

"Lot coverage." That percentage of the lot area covered or occupied by principal and accessory ~~the~~ buildings ~~or any part of the buildings~~, excluding roof overhangs not to exceed three feet, as verified by a licensed design professional.

"Lot depth." The depth of a lot is the distance measured by a straight line from the midpoint of the front lot line to its intersection with the midpoint of the rear lot line. ~~in the mean direction of the side line of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.~~

"Lot width." The width of a lot is the distance between the side lot lines measured along the minimum street setback (yard) line as required for the district in which it is located. ~~front building line between the side lot lines of a lot.~~

"Outline development plan." The documents submitted for planned unit development (PUD) approval are known as an outline development plan (ODP). Outline development plans include a proposed site plan, generally a binding concept plan but under some circumstances a final site development plan. See sections 158.067(B)(1) and 158.180(F).

"Planned unit development (PUD)." A development approval process that allows approval of a conceptual site plan, known as a binding concept plan, prior to preparation and submission of a detailed engineered site plan known as a final site development plan. The PUD process also allows landowners to seek departures from certain provisions of this code at the conceptual design stage. The documents submitted for PUD approval are known as an outline development plan. PUD approval does not change a property's zoning district, but most density limits are reduced and the terms of the outline development plan become binding on the property after PUD approval.

"Planning and zoning board." The Longboat Key Planning and Zoning Board, the legally constituted membership of the Planning and Zoning Board of Longboat Key, Florida, as referenced in this chapter and appointed by the town commission in accordance with chapter 33 of the town's code of ordinances.

"Site plan, final." A detailed site plan that must be approved by the town commission before building permits can be obtained for land uses listed as "Permitted uses with site plan review" in section 158.145. A final site plan is also known as a site development plan or final site development plan.

"Site development plan." Site development plan has the same meaning as final site plan.

"Variance." A variance is a modification ~~departure~~ from the dimensional or numerical requirements of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. Variances may be approved by the zoning board of adjustment or the planning and zoning board where specifically authorized by this code. A variance is authorized only for height, area, and size of structure or size of yards and open spaces, to the extent that such variance is consistent with the comprehensive plan.

"Waiver." A grant of permission~~, which is~~ authorized under this chapter that authorizes an applicant to deviate from specific standards or provisions of these regulations. Waivers may be granted under the following circumstances:

(1) For daylight plane regulations, granted by the zoning board of adjustment (sections 158.026 and 158.153).
(2) For supplemental controls on multifamily residential or tourism uses during final site development plan review, granted by the town commission (section 158.102(L)).
(3) For landscaping and screening, granted by the town commission, (section 158.154).
(4) For commercial revitalization, granted by the planning and zoning board or by the planning, zoning and building director (section 158.178).

"Zoning board of adjustments." A seven-member board appointed by the town commission; see section 158.026.

SECTION 4. Chapter 158, Section 158.007, *Zoning Map Adopted; Interpretation*, is hereby amended as follows to delete the reference to a prior ordinance that had adopted an earlier official zoning map:

(A) The official zoning map of the town is hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the mayor~~,~~ and

attested by the town clerk. ~~, and bearing the seal of the town under the following words:~~ It shall state: "This is to certify that this is the official zoning map ~~referred to in Ordinance No. 05-13~~ of the Town of Longboat Key, Florida~~.~~" and shall state the date of the certification and bear the seal of the town.

SECTION 5. The legend of the Town of Longboat Key's official zoning map is hereby amended to change the names of the Planned Development (PD), Gulf Planned Development (GPD), and Negotiated Planned Development (NPD) zoning districts to Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Water Club/Promenade (MUC-3), respectively, as depicted on Exhibit "A" attached hereto, and to change the names on the official zoning map accordingly.

SECTION 6. The Town of Longboat Key's official zoning map and legend is hereby amended in accordance with Sections 4 and 5 of this ordinance as depicted on Exhibit "A" attached hereto.

SECTION 7. Chapter 158, Section 158.008, Establishment of districts, is hereby amended as follows:

158.008 Establishment of zoning districts.

For the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following zoning districts, with the stated densities, and intensities as regulated by Sections 158.125 and 158.145 and other portions of this zoning code.

ZONING DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY)[1]	
OS	Open Space District (no density ~~0 U./A.~~)
INS	Community Facility Institutional District (no density ~~0 U./A.~~)
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)
R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High-Density Mixed Residential District (6 D.U./A.)

MUC-1	Mixed Use Community- Bay Isles (3.26 D.U./A. overall density)
MUC-2	Mixed Use Community- Islandside (5.05 U./A. overall density)
MUC-3	Mixed Use Community- Promenade/Water Club (11.26 D.U./A. overall density)
OI	Office-Institutional District (no density ~~0 U./A.~~)
C-1	Limited Commercial District (no density ~~0 U./A.~~)
C-2	General Commercial District (no density ~~0 U./A.~~)
C-3	Highway-Oriented Commercial District (no density) ~~(3 tourism U./A.)~~
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)
T-3	Low-Medium-Density Tourist Resort Commercial District (3 D.U./A. or 3 T.U./A.)
T-6	High-Density Tourist Resort Commercial District (6 D.U./A. or 6 T.U./A.)

Notes:

[1] Dwelling units per acre (du/ac) refers to residential units; tourism units per acre (tu/ac) refers to ~~include both~~ tourism units ~~and residential units~~; units per acre (u/ac) refers to residential units and existing tourism units.

SECTION 8. Chapter 158, Section 158.009, *Description of districts and district policies,* subsection (L) is hereby amended as follows:

(L) Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Promenade/Water Club (MUC-3). Allows a mix of residential and nonresidential uses in planned communities developed through the planned unit development procedures and standards contained in Section 158.065 through 158.071. Notwithstanding the terms of any other section of this Zoning Code related to the calculation of density for residential or tourism uses, in each MUC density is calculated on the basis of the ~~average~~ overall density of tourism and dwelling units per acre of all property included in the respective MUC, including recreational areas, open space areas, road rights-of-way, wetland areas and other nonresidential lands. Clustered development patterns are encouraged and thus the density of separate parcels within each MUC may exceed the ~~average~~ overall density of the MUC. The approval of additional dwelling units or additional tourism units into any MUC district beyond those units approved by resolution or ordinance prior to January 1, 2013, must be preceded by referendum approval in accordance with section 22 of article II of the town charter. ~~Provided the total amount of nonresidential development does not exceed the maximums stated herein, designated nonresidential development may be relocated to other sites within the planned unit development and the types of approved nonresidential uses may be changed to other nonresidential uses.~~ No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed on December 31, 2010. ~~Redevelopment may occur up to the maximum densities authorized for each MUC and consistent with the public health, safety and welfare, quality design, expanded recreational and open space amenities, and adequate public infrastructure and services.~~ Within the acreage allocated for nonresidential uses, additional lot

coverage and height may be authorized pursuant to Section 158.067(E)~~(D)(3)(i) and (j)~~.

A minimum of 50% of the total property within the MUC shall be maintained in open space. Acreage for recreational uses is not limited. Any changes to existing land-use patterns must be in accordance with the schedule of uses in section 158.125 and must meet the locational and compatibility standards in section 158.067(C). The general mix of uses within the boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

(1) **Mixed Use Community – Bay Isles (MUC-1).** This category encompasses the Bay Isles community approved by Resolution 75-27 as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-1 shall not exceed 3.26 dwelling units per acre.

Use	**Maximum Percent of Total Property Within MUC-1**
Residential	37%
Tourism (units and associated resort/tourism uses)	0%
Commercial/Office	4%
Institutional	2.5%

(2) **Mixed Use Community – Islandside (MUC-2).** This category encompasses the Islandside community approved by Resolution 76-7 as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-2 shall not exceed 5.05 units per acre, including existing tourism units.

Use	**Maximum Percent of Total Property Within MUC-2**
Residential	33%
Tourism (units and associated resort/tourism uses)	12%
Commercial/Office	1.5%
Institutional	0%

(3) **Mixed Use Community – Promenade/Water Club (MUC-3).** This category encompasses the Promenade/Water Club communities approved by Resolution 81-8, as it has been and may be amended from time to time. ~~Average~~ Overall density within the boundaries of the MUC-3 shall not exceed 11.26 dwelling units per acre.

Use	Maximum Percent of Total Property Within MUC-3
Residential	100%
Tourism (units and associated resort/tourism uses)	0%
Commercial/Office	0%
Institutional	0%

SECTION 9. Chapter 158, Section 158.065, *Purpose,* is hereby amended as follows:

Article III. Site and Development Plans

Division 1. Planned Unit Developments

158.065 Purpose of planned unit developments.

(A) ***Optional process.*** Planned unit development (PUD) regulations provide an optional review and approval process for landowners wishing to develop or redevelop land. The PUD process allows approval of a conceptual site plan, known as a binding concept plan, prior to preparation and submission of a detailed engineered site plan known as a final site development plan. The PUD process also allows landowners to seek departures from certain provisions of this code at the conceptual design stage. Landowners are bound by an approved binding concept plan when they submit subsequent final site development plans in accordance with section 158.067(F).

(B) ***Effect on zoning district.*** The PUD process requires the submission of an outline development plan (ODP), which becomes an integral part of a PUD approval. Planned unit development approval does not change the existing zoning district, nor does it add permitted uses to those specified for each zoning district in the table accompanying section 158.125, the schedule of use regulations.

(C) ***Where allowable.*** Planned unit developments may be requested in the following zoning districts, provided the minimum size requirements in section 158.068 are met:
(1) INS;
(2) R-1IP, R-1SF, R-2SF, R-3SF, R-4SF, and R-6SF;
(3) R-3MX, R-4MX, and R-6MX;
(4) MUC-1, MUC-2. and MUC-3;
(5) OI, C-1, C-2, C-3, and M-1; and
(6) T-3 and T-6.

(D) ***Density.*** Planned unit developments must comply with the special density limitations found in section 158.070.

(E) ***Flexibility in design.*** ~~The purpose of~~ Planned unit development (PUD) regulations are intended: ~~is~~ to~~:~~ encourage flexibility in the design and development of land ~~in order to promote its most appropriate use~~; to facilitate the adequate and economical provision of streets, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas. The PUD application review and approval procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare~~, both in the use and occupancy of buildings and facilities in planned groups~~.

(F) ***Site plans.*** A PUD is approved through the adoption of an outline development plan (ODP).~~, which~~ Binding concept plans are required as part of outline development plans, except where this code explicitly allows a final site development plan to replace a binding concept plan (see, for instance, sections 158.067(B)(1) and 158.180(F)). Binding concept plans become an integral part of ODP and PUD approvals. Binding concept plans (and final site development plans) may be subsequently amended in accordance with the standards and procedures in section 158.067.

SECTION 10. Chapter 158, Section 158.067, Review and approval procedure, is hereby amended as follows:

158.067 Review and approval of planned unit developments ~~procedure~~.

(A) ***Approving authority.*** Planned unit developments ~~are a permitted use with review, and~~ shall be subject to the approval of the town commission after review and recommendation by the planning and zoning board and after public hearings are held by the town commission in accordance with law.

(B) ***Applications.*** In order to provide an expeditious method for processing an outline development plan application for a planned unit development, under the terms of this chapter, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

(1) ***Application requirements.*** An application for an outline development plan for a planned unit development, including full payment of an application fee as set forth by resolution of the town commission, shall be filed and signed by or on behalf of the landowner by an authorized agent, with the planning and zoning official. The purpose of the outline development plan is to provide the town with information with respect to the type, character, scale, and intensity of development as well as the time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development

to the town. Any application for outline development approval shall be submitted on a form provided by the town and in addition shall include at a minimum the following information, unless the planning and zoning official determines that one or more of the following elements do not apply to the particular application:

(a) The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.

(b) The approximate location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.

(c) Verified statement, including a certificate of ownership, showing each and every individual person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

(d) The approximate location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones delineated, if applicable.

(e) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). Additional related information shall include the extent and type of wetlands in accordance with the town's comprehensive plan.

(f) The approximate locations, intensity and acreages of general land uses (proposed), including dwelling types and general types of nonresidential uses, open spaces, recreational facilities and other proposed uses.

(g) A traffic impact analysis shall be provided, except for voluntary reconstruction without additional units, to ensure that the adopted level of service standards are not exceeded before capacity-related improvements are implemented. A circulation facilities plan indicating approximate locations and types of proposed streets, bicycle paths, pedestrian walks, and emergency vehicle access points, including all curb cuts, driveways, off-street parking and loading areas and off-street vehicular surfaces available for maneuvering shall be provided.

(h) Total project acreage and proposed densities for each tourism and dwelling unit type and total number of tourism and dwelling units by type.

(i) Floor area ratios for all land uses and approximate square footage of gross area for all nonresidential buildings by general type (e.g., offices,

limited commercial, etc.). Compliance with the floor area ratio provisions of section 158.102(C) shall be demonstrated.

(j) Proposed development schedule indicating approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and description of such phases.

(k) Such additional data, maps, plans or statements as may be required for the particular uses or activity involved.

(l) Such additional data, as the applicant may believe is pertinent to the development plan.

(m) Such additional material and information the town may reasonably require.

(n) A written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

(o) A statement specifically indicating any proposed departures from article IV of this chapter and section 158.102, and a statement of any existing hardship and/or clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the planned unit development as set forth in section 158.065. The statement must include the applicant's position as to whether each requested departure either meets or has no material adverse effect on each of the departure criteria in section 158.067(D).

(p) A binding concept plan, which is a conceptual site plan that depicts the proposed development and is intended to become an integral part of a planned unit development approval. The binding concept plan must show the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development as enumerated in sections 158.067 and 158.102. At an applicant's discretion, a final site plan may be submitted for approval concurrently with the outline development plan, thus eliminating this requirement for a binding concept plan.

(q) ~~(p)~~ Applications for voluntary reconstruction of nonconformities shall include a statement specifically indicating modifications and adjustments from the requirements of this Code of Ordinances which would otherwise be applicable to the project if voluntary reconstruction were not granted by the town. Applications must also include ~~and~~ a clear and specific statement of any hardship which might exist making the modifications and adjustments from the Code necessary and/or a clear and specific statement of how the modifications and adjustments are necessary or desirable to accomplish one or more of the stated purposes of the voluntary reconstruction ordinance as set forth in section 158.140.

(2) ***Application procedures.*** The application for an outline development plan of a planned unit development shall be filed with the planning and zoning official. In place of a binding concept plan, the applicant may concurrently file an application for site plan approval. If filed, the application for site plan approval shall be processed in accordance with article III, division 2, herein. Upon receipt of the application the planning and zoning official shall review the application to determine its appropriateness and completeness and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report, to the Planning and Zoning Board for its review and recommendations. The planning and zoning board and town commission shall not receive, review, make recommendations or act on applications for outline development plan approval except during the town's annual site and development plan season. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of calculating the required processing times set forth in this section for the planning and zoning board and the town commission, the period of time from July 1 through August 31 shall not be counted in said computation.

(3) ***Planning and zoning board public hearing.*** Upon receipt of the application from the planning and zoning official, the planning and zoning board shall review the outline development plan and make recommendations to the town commission~~. The planning and zoning board shall~~ that are based ~~its recommendations~~ on competent, substantial evidence of record~~, but shall not be required to make written findings of fact to support its decision~~. The planning and zoning board shall also formulate findings of fact as to the consistency of the application and any requested departures with the remainder of this code and with the comprehensive plan. The board shall recommend approval of the application as submitted, approval of the application with changes or special conditions, or disapproval of the application. The determination and recommendations of the planning and zoning board shall be advisory only and shall not be binding upon the town commission. For purposes of this section the planning and zoning board shall receive an outline development plan application from the planning and zoning official at the board's next regular meeting where a quorum is present following the planning and zoning official's submittal of the application to the board. The planning and zoning board is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations.

(4) ***Town commission public hearing.*** ~~(C)~~ A public hearing on the planned unit development application shall be held by the town commission upon the commission's receipt of the application from the planning and zoning board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. For purposes of this section, the town commission

shall receive an outline development plan application from the planning and zoning board at the commission's next regular meeting where a quorum is present, following the submittal of the board's action on the application to the commission. A transcript of the hearing may be caused to be made by the town commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. During the review process, the Town may retain consultants to assist in the review of an outline development plan. The cost of retaining the consultants shall be borne by the applicant. The town commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the planning and zoning board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the planning and zoning board, the commission may, at its sole discretion, remand the application back to the board, but is not required to do so.

(5) ***Town commission decision procedures.*** ~~(D)~~ The town commission shall, following the conclusion of the public hearing, review the outline development plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. The action taken by the Town Commission shall be by ordinance. The Town Commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the outline development plan application.

(a) ~~(1)~~ In the event approval is granted, the Town Commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings, specifications, and form of performance and maintenance bonds that shall be considered part of the final approval.

(b) ~~(2)~~ In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the town commission, notify the town commission in writing of the applicant's acceptance or refusal of all the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 30 calendar days, the applicant shall be deemed to have withdrawn the plan. Nothing contained herein shall prevent the town commission and the applicant from mutually agreeing to a change in the conditions, or an extension of the time during which the applicant shall notify the town commission of acceptance or refusal of the conditions.

(c) *[moved from 158.067(D)(4)]* In the event an outline development plan is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed.

However, if a final site plan was approved concurrently with the outline development plan, the ordinance does not need to specify a time period.

(C) ***Standards for approval or disapproval of application.*** ~~(3)~~ The town commission shall base its decision on each outline development plan application on competent, substantial evidence of record~~, but shall not be required to make~~ and shall include not only conclusions but also written findings of fact related to the specific proposal and shall set forth the reasons for the grant of ~~to support~~ approval, with or without changes or special conditions, or for the disapproval of an outline development plan application. The commission's approval, approval with changes ~~conditions~~ or special conditions, or disapproval of an outline development plan application, shall be based on the application, evidence and testimony presented in the public hearing, and the following standards:

(1) ~~(a)~~ In what respects the plan is or is not consistent with the statement of ~~objectives of the~~ purposes of a planned unit development in Section 158.065. ~~and~~

(2) Whether the plan is consistent with the town's comprehensive plan.

(3) ~~(b)~~ The extent to which the plan meets the ~~departs from~~ zoning and subdivision regulations otherwise applicable to the subject property without departures, waivers, or variances.

(4) ~~(c)~~ The purpose, location and amount of common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

(5) ~~(d)~~ The physical design of the plan and the manner in which the design makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and furthers the amenities of light and air, recreation and visual enjoyment.

(6) ~~(e)~~ The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

(7) ~~(f)~~ In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.

(8) *[moved from 158.067(D)(3)(h)]* The extent to which the plan provides for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.

(9) For the MUC-1 and MUC-2 zoning districts only, whether the plan's assignment of the permitted uses listed in section 158.125 either matches the historic land-use pattern in that district or is a harmonious evolution of that pattern. In either case, the plan's assignment of uses:

(a) must be consistent with the principles and percentages set forth in section 158.009(L);
(b) must not adversely affect adjoining or nearby properties; and
(c) must maintain the scenic characteristics of the district.

(D) ***Standards for approval or disapproval of departures.*** ~~(g)~~ Planned unit development applications may be accompanied by requests for ~~The~~ departures from specific ~~the~~ standards of article IV of this chapter and from the standards of Section 158.102 ~~which would otherwise be applicable to the planned unit development if the plan were not approved~~, whether the application for final site plan approval is concurrently filed or not. However, departures may not be granted to add uses that are not listed in the schedule of uses in section 158.125 for the planned unit developments' underlying zoning district. Before approving a departure, the town commission must determine by competent, substantial evidence of record that it is consistent with the Longboat Key comprehensive plan and must decide whether each ~~that the~~ requested departure~~s~~ either meets or has~~ve~~ no material adverse effect on the following criteria ~~as deemed applicable to the request by the town commission~~:

(1) ~~i.~~ The departure is no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standard from which the departure is being requested, and the departure ~~Promote the most appropriate use of the land upon which the project is to be located,~~ adequately protects~~ting~~ against adverse impacts to adjacent parcels and the surrounding area.

(2) ~~ii.~~ The departure preserves or enhances ~~the~~ natural or ~~and~~ scenic qualities ~~of open areas~~ or preserves a larger percentage of open space than required by the Zoning Code or preserves higher quality natural areas or more attractive and useful public spaces.

(3) ~~iii.~~ The departure facilitates desirable infrastructure, storm water retention, or parking facilities ~~and public spaces~~.

(4) ~~iv.~~ The departure reduces traffic impacts or improves traffic circulation.

(5) ~~v.~~ The departure enhances the project's character and compatibility within the development and with adjacent developments.

(6) ~~vi.~~ The departure allows the project to add or improve on-site amenities and recreational opportunities serving the development and the community.

(7) ~~vii.~~ The departure helps ~~allow~~ the project ~~to~~ promote walkability, offers multimodal transportation options, improves access to existing commercial or other amenities, or improves ~~proximity or~~ connections to beach or bay accesses.

(8) ~~viii.~~ The additional criteria listed below shall apply to applicants requesting building height departures:

(a) Yard sizes (~~The~~ building setbacks) ~~as set forth in Section 158.145~~ are substantially greater than ~~that which is~~ required by section 158.145. ~~the Zoning Code.~~

(b) The requested additional height doesn't overwhelm ~~There is adequate distance from~~ other structures on ~~the site and~~ adjacent properties.

(c) The requested additional height doesn't change the character of adjoining public ~~There is adequate distance from~~ rights-of-way.

(d) The requested additional height is appropriate in relation to the height of nearby on- and off-site structures.

~~(h) The extent to which the plan provides for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.~~ *[moved to 158.067(C)(7)]*

(E) ***Modified standards for planned unit developments.*** Lot coverage and building standards in article IV of this code are modified for planned unit developments as follows:

(1) ~~(i)~~ If the plan is for land within the T-3, T-6, MUC-1, MUC-2, INS, OI, C-1, C-2, C-3, or M-1 district, lot coverage may exceed the standard lot coverage provided by Section 158.145 by up to 10% to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (D) above. ~~(g) above when three or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:~~

~~i. It promotes the most appropriate use of the land;~~

~~ii. It facilitates the adequate and economical provision of infrastructure and public spaces;~~

~~iii. It preserves or enhances the natural and scenic qualities of open areas; and~~

~~iv. It improves site qualities.~~

(2) ~~(j)~~ If the plan is for property within the T-3, T-6, ~~or~~ MUC-1 district, building height may exceed the standard height provided by Section 158.145 by one story at a maximum of 15 feet~~, and in the MUC-2 district the height for buildings with tourism units may be a maximum of 12 stories at a maximum of 130 feet, and the height of other uses may be a maximum of eight stories at a maximum of 87 feet~~ to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (D) above. Any other request for increased building heights must use the departure process. ~~(g) above when two or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:~~

~~i. It promotes the most appropriate use of the land;~~

~~ii. It facilitates the adequate and economical provision of infrastructure and public spaces;~~

~~iii. It preserves or enhances the natural and scenic qualities of open areas; and~~

~~iv. It improves site qualities.~~

~~(4) In the event an outline development plan is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed.~~ *[moved to 158.067(B)(5)(c)]*

(F) ***Actions after decision.*** ~~(E)~~ Within seven days after the adoption of the ordinance provided for in subsection (D) above, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the applicant. ~~Where approval of an outline development plan has been granted, the same shall be noted on the zoning map maintained in the office of the town clerk.~~ An outline development plan upon approval and acceptance, as provided herein, is defined as running with the land; however, an applicant may apply for a revision to the outline development plan in accordance with the procedures for an original submission, review and approval. Approval of an outline development plan shall not qualify a plat of the planned unit development for recording purposes or authorize development or the issuance of any building permits. Upon approval and acceptance, if applicable, the town clerk shall file with the clerk of the court the outline development plan for recordation in the official records of the county in which the property is located.

(G) ***Final site plan required.*** ~~(F)~~ An application for final site plan approval may be for all the land included in an outline development plan, or to the extent set forth in the outline development plan approval, for a section thereof.

(1) The final site plan application shall include any drawings, plan sheets, renderings, specifications, covenants, easements, conditions, and form of performance and maintenance bonds as were set forth by the town commission in the ordinance approving the outline development plan and required by subsection 157.31(B).

(2) The submission, review and approval of an application for final site plan approval shall be subject to the procedures and provisions of a site plan review as set forth within sections 158.095 through 158.103.

(3) Planned unit development applications may include a request for final site plan approval at the same time as outline development plan approval; see section 158.067(B)(1).

(4) ~~(G)~~ An application for approval of a final site plan for a portion of or all of an outline development plan shall be in compliance with the approved outline development plan with respect to open space and lot, yard and bulk regulations.

(5) If the final site plan is not in compliance, the applicant shall revise the final site plan, apply for a Site Plan Exemption, or amend the outline development plan through the outline development process provided herein, in order to achieve compliance.

~~(H) An outline development plan or any part thereof that has been given final approval by the town commission shall be so certified without delay by the town clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and chapter 157 before any development whatsoever shall take place in accordance therewith.~~

(H) ***Length of approval.*** Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the outline development plan, or part thereof, as finally approved, shall be made, nor shall it be impaired by act of the town except with the consent of the applicant or successors.

(I) ***Conformance with subdivision regulations.*** The planned unit development shall conform with chapter 157 and all applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical improvements, including but not limited to, streets, drainage, water supply and sewage collection.

SECTION 11. Chapter 158, Section 158.068, *Minimum area,* is hereby amended as follows:

158.068 Minimum area.

A planned unit development shall include not less than two ~~ten~~ acres of contiguous land in any residential zoning district, and not less than one-half acre ~~two acres~~ for all other zoning districts. In the case of voluntary reconstruction in accordance with section 158.140, the existing development site acreage shall be acceptable.

SECTION 12. Chapter 158, Section 158.070, *Residential density,* is hereby amended as follows:

158.070 Tourism and residential density.

(A) Planned unit developments shall have densities no greater than that permitted for a PUD within the zoning district in which it is located as shown below:

Districts	**Maximum PUD Density~~[1]~~**
R-1IP	0.75 dwelling unit/5 acres
R-1SF	0.75 dwelling unit/acre
R-2SF	1.50 dwelling units/acre
R-3SF	2.25 dwelling units/acre

R-4SF	3.00 dwelling units/acre
R-6SF	4.50 dwelling units/acre
R-3MX	2.25 dwelling units/acre
R-4MX	3.00 dwelling units/acre
R-6MX	4.50 dwelling units/acre
MUC-1	3.26 dwelling units/acre overall density
MUC-2	5.05 ~~tourism and dwelling~~ units/acre overall density
MUC-3	11.26 dwelling units/acre overall density
T-3	2.25 tourism ~~and~~ or dwelling units/acre
T-6	4.50 tourism ~~and~~ or dwelling units/acre

Notes:
[1] Dwelling units per acre refers to residential units; tourism units per acre refers to tourism units; units per acre refers to residential units and existing tourism units.

(B) In any event a planned unit development shall be consistent with the comprehensive plan for the town and the zoning district in which it is located in respect to design compatibility, use and height regulations.

SECTION 13. Chapter 158, Section 158.071, *Proposed land uses,* is hereby amended as follows:

158.071 Proposed land uses.

(A)

(1) Proposed land uses shall not adversely affect surrounding development and shall be consistent with the town's comprehensive plan.

(2) Recreational uses, as defined in Section 158.006, shall not be included in the computation of permitted nonresidential areas of a planned unit development.

(B) In cases where land proposed for a planned unit development is zoned for both residential and nonresidential uses, a mix of residential and nonresidential land uses may be approved by the town commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.

(C) In cases where land is proposed for planned unit development and where the existing zoning district(s) comprising the entire land area of the planned unit development is nonresidential, a nonresidential planned unit development may be approved by the town commission through the outline development plan review

process in order to achieve the purposes of the planned unit development as set forth herein.

(D) Once development rights, whether residential or nonresidential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential or tourism density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development which shall require amendment of the outline development plan for the planned unit development in accordance with the procedures of section 158.067. In no event shall the ~~average~~ overall density of a planned unit development exceed the maximum ~~average~~ overall density set forth in this Code or the comprehensive plan for the planned unit development.

SECTION 14. Chapter 158, Section 158.097, *Application for site plan approval,* is hereby amended as follows:

158.097 Application for site plan approval.

(U) A list of all waivers ~~departures~~ from the supplemental controls set forth in subsection 158.102(L) and a clear description of the nature and extent of the requested waiver ~~departure~~ and a statement specifically indicating the factual basis for any hardship claimed by the applicant and/or a statement of the facts constituting the basis for a request for a waiver of the supplemental controls as set forth in subsection 158.102(L).

SECTION 15. Chapter 158, Section 158.102(L), *Supplemental controls for multifamily residential or tourism uses,* is hereby amended by replacing the reference to "subsection 158.067(D)(3)(g)" with "subsection 158.067(D)."

SECTION 16. Chapter 158, Section 158.125, *Schedule of use regulations,* is hereby amended for the MUC-1, MUC-2, MUC-3, C-3, T-3, and T-6 zoning districts as shown in Exhibit "B" attached herein, in addition to the deletion of the phrase "Planned unit development overlays (see '' 158.065 through 158.071)" from the column titled "PERMITTED USES WITH SITE PLAN REVIEW" for the following zoning districts: R1IP, R-1SF, R-2SF, R-3SF, R-4SF, R-6SF, R-3MX, R-4MX, and R-6MX.

SECTION 17. Chapter 158, Section 158.132, *Tourism uses,* is hereby amended as follows:

158.132 Tourism uses.

(A) ***Purpose.*** The purpose of this section is to:

(1) Preserve and enhance the residential character of the Town of Longboat Key;
(2) Preserve and protect the character and viability of the commercial districts of the Town of Longboat Key;
(3) Promote the public health, safety and general welfare of the Town of Longboat Key;
(4) Expressly prohibit tourism use of property for remuneration~~,~~ except where the property is: ~~not~~
   (a) located within the T-3 or T-6 zoning districts;
   (b) explicitly approved for tourism uses in the MUC-2 zoning district; or ~~of the Town of Longboat Key; and~~
   (c) approved for additional tourism units pursuant to section 158.180(B).
(5) Prohibit unauthorized time-share uses in any district of the Town of Longboat Key.

~~(B) Tourism use of property for remuneration is allowed within T-3 and T-6 zoning districts or as may be permitted in a planned unit development within the Town of Longboat Key.~~

~~(C) Except as provided in subsection (B) above, tourism use of property for remuneration is prohibited in all other zoning districts of the Town of Longboat Key.~~

(B) ~~(D)~~ Tourism uses which were legally conforming as of October 6, 1982, but were rendered legal nonconforming uses by virtue of Ordinance No. 82-10, shall maintain their legal nonconforming use status provided that the use has not been abandoned or terminated as provided in this Code.

(C) ~~(E)~~ Any use of facilities and accommodations located within the Town of Longboat Key which constitutes a time-share plan or multi-site time-share plan regulated by F.S. ch. 721, must be qualified under and comply with all requirements of that chapter and all other requirements of this Code.

(D) ~~(F)~~ ***Penalties for violations.***
(1) Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of property in violation of the provisions of this section is guilty of an infraction for each date for which such property is used or allowed to be used in violation of this section.
(2) Any person who uses or allows the use of property in violation of the provisions of this section is guilty of an infraction for each day for which such property is used or allowed to be used in violation of this section.
(3) The remedies and penalties provided in this section are cumulative and not exclusive.

SECTION 18. Chapter 158, Section 158.138, *Status of nonconformities,* is hereby amended to add Subsection (B)(9) as follows:

158.138 Status of nonconformities.

(B) The following policies shall determine the management of nonconformities:

(9) *Existing-only uses*. Certain uses of land that cannot be added under current regulations are fully legal because they lawfully existed on January 1, 2013 and are designated as "existing only" on the schedule of uses in section 158.125. "Existing only" uses are not classified as nonconforming uses and are afforded the same privileges as permitted uses and may be reconstructed in accordance with all applicable current regulations, but only on the specific parcels on which they are located. The abandonment and termination provisions in subsection (B)(8) do not apply to uses that qualify as "existing only."

SECTION 19. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations,* is hereby amended for the MUC-1, MUC-2, MUC-3, T-3, and T-6 zoning districts as follows and as shown in Exhibit "C" attached herein.

158.145 Schedule of lot, yard and bulk regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.125, which are supplemented by other sections of this chapter.

(A) Where there is more than a single building on a single lot, but fewer than ten dwelling units, the minimum distance between buildings shall be equal to the combined (both) side yards requirement for that zoning district and use.

(B) Any building that lawfully existed on January 1, 2013, in the MUC-1, MUC-2, and MUC-3 zoning districts will not be deemed nonconforming as a result of the lot, yard, and bulk regulations that were adopted for these districts in 2013. Any such building may be reconstructed in its current configuration in accordance with all other applicable current regulations, but only on the specific parcel on which it is located.

(C) Calculations of lot coverages shall be verified by a licensed design professional.

SECTION 20. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended to modify footnotes (a), (g), and (i) as shown in Exhibit "C" attached herein.

SECTION 21. Chapter 158, Sections 158.147(A) and (B), *Lot dimensions; reduction prohibited*, is hereby amended as follows:

158.147 Lot dimensions; reduction prohibited.

(A) The minimum lot width of any lot shall be measured between the side lot lines along the minimum street ~~building~~ setback (yard) line as required for the district in which it is located.

(B) The minimum lot depth of any lot shall be measured by a straight line from the midpoint of the front lot line ~~and~~ to its intersection with the midpoint of the rear lot line.

SECTION 22. Chapter 158, Section 158.149, *Maximum coverage by buildings,* is hereby amended to conform with Section 158.006 as follows:

158.149 Maximum coverage by buildings.

Land or lot coverage by principal and accessory buildings ~~or structures~~ on each lot, excluding roof overhangs not to exceed three feet, shall not be greater than is permitted in the district, as set forth in section 158.145, where the principal and accessory buildings are located. The calculation of land (lot) coverage shall be verified by a licensed design professional.

SECTION 23. Chapter 158, Sections 158.150(D), *Required waterfront yard requirements*, is hereby amended as follows:

158.150 Yard Regulations.

(A) ***Generally.*** *[no change required]*

(B) ***Required side street yards.*** *[no change required]*

(C) ***Reserved.*** *[no change required]*

(D) ***Required waterfront yard requirements.***

(1) **Required gulf waterfront yard.** Every lot which abuts the Gulf of Mexico or an established erosion control line shall have, on the gulfside, a required gulf waterfront yard. The required gulf waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the yard from which the depth shall be measured shall be the mean high-water line; except that, where an erosion control line has been established, the depth shall be measured from that line.

(a) *[no change required]*
(b) No structures, buildings, swimming pools (except as proved in section 158.127), drives, vehicular parking, walls and fences may be built within the required gulfside waterfront yard except for beach shelters, public beach access parking, pool fences and windwalls, as defined in section 158.006, and dune walkover structures, sand fences, accessory decks or marine structures as authorized in chapter 151.
(c) *[no change required]*
(d) *[no change required]*
(e) *[no change required]*

(2) **Required pass waterfront yard.** Every lot which abuts New Pass or Longboat Pass shall have, on the pass side, a required pass waterfront yard. The required pass waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the required yard from which the depth shall be measured shall be the mean high-water line, except that, where an erosion control line has been established, the depth shall be measured from that line. The landward edge of the required yard shall be determined in the same manner as the required gulf waterfront yard, in accordance with subsection (D) of this section [subsection (1)(d) of this subsection (D)]. No structures, buildings, swimming pools (except as provided in section 158.127), drives, vehicular parking, walls, and fences may be built within the required pass waterfront yard except for beach shelters as defined in section 158.006, public beach access parking, dune walkover structures, accessory decks, outdoor dining areas as defined in section 158.006 and in compliance with section 158.136, a dock access ramp or stairs, a ladder or other device pursuant to subsection 158.151(F)(2), or marine structures as authorized in chapter 151. Subject to site plan review, the required pass waterfront yard may be used for other purposes if it lies within an M-1 district. No variance shall be granted from these requirements; however, a variance for a single-family dwelling may be permitted by the board of adjustment where the setback requirement cannot be applied, but can never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward.
(3) **Required bay waterfront yard.** *[no change required]*
(4) **Required canal yard.** *[no change required]*
(5) **Canal view preservation.** *[no change required]*

SECTION 24. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 25. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 26. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing this _____ day of _____, 2013.

Adopted on the second reading and public hearing this _____ day of _____, 2013.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

EXHIBITS: Exhibit "A" – Revised Official Zoning Map

Exhibit "B" – Amendments to the table accompanying Section 158.125 *Schedule of use regulations*

Exhibit "C" – Amendments to the table accompanying Section 158.145 *Schedule of lot, yard and bulk regulations*

Exhibit "A"
Revised Official Zoning Map

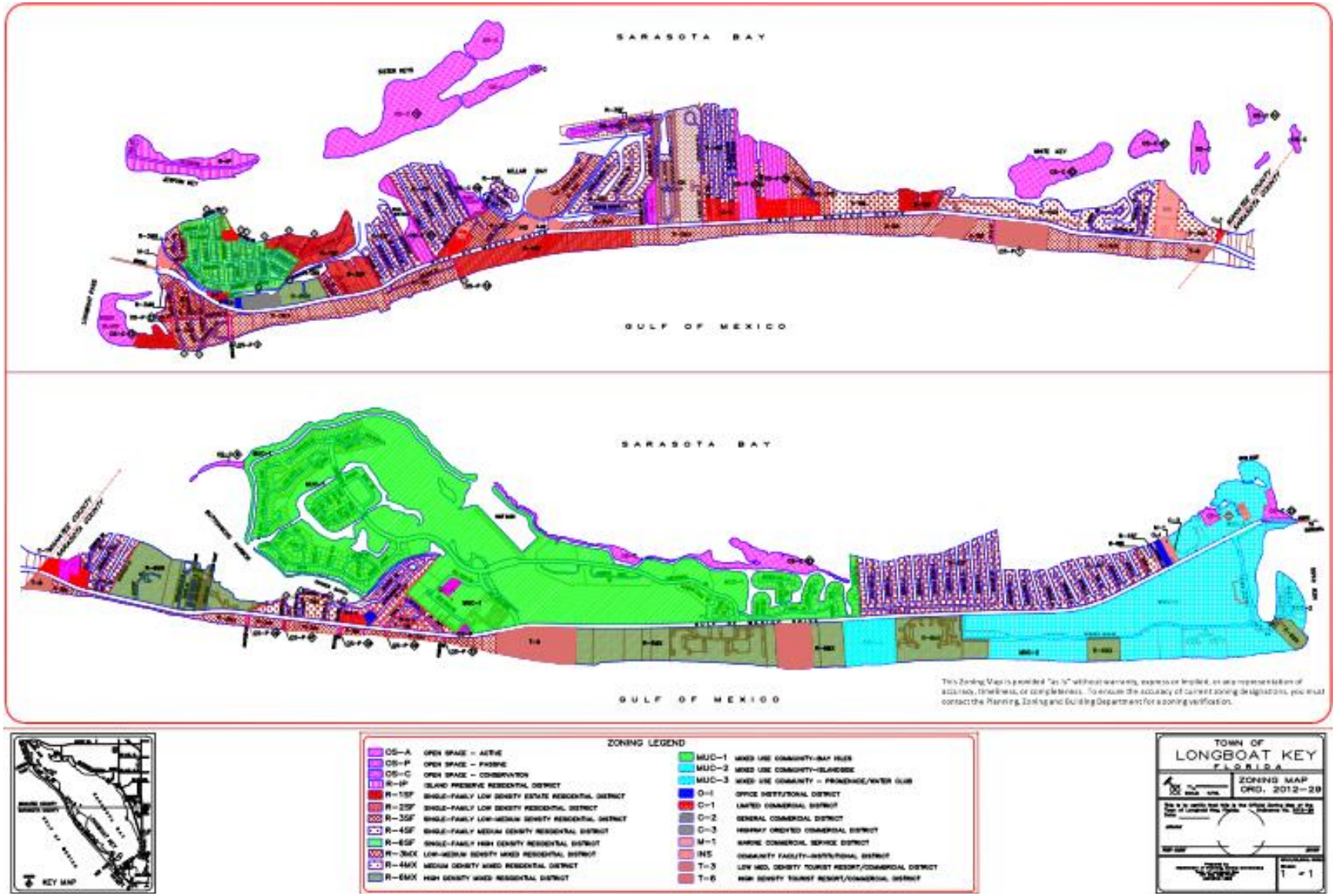

Exhibit "B"
Amendments to the table accompanying Section 158.125 *Schedule of use regulations*

158.125 Schedule of use regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.145, which are supplemented by other sections of this chapter.

DISTRICT (Maximum Gross ~~Residential~~ Density)	**PURPOSE**	**PERMITTED USES WITHOUT SITE PLAN REVIEW**	**PERMITTED USES WITH SITE PLAN REVIEW**	**ACCESSORY USES**	**SPECIAL EXCEPTION USES**
(MUC-1) Mixed Use Community – Bay Isles (overall density: 3.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the Bay Isles community approved by Resolution No. 75-27 as it has been and may be amended from time to time.	1. Single-family dwellings. 2. Multifamily developments with less than 10 dwelling units. 3. ~~1.~~ Essential services. 4. ~~2.~~ Community residential homes with six or fewer residents plus staff.	~~1. Planned unit development overlays (see §§ 158.065 through 158.071).~~ 1. Multifamily developments with 10 or more dwelling units. 2. Churches, synagogues and other houses of worship. 3. Golf course. 4. Marina, including wet storage, sale of marine fuels, boat or motor rental or maintenance, ship's store, yacht brokerage, but not including boat construction or dry storage of boats. 5. Parks and recreation areas. 6. Restaurants (existing only, except where permitted through a PUD). 7. Tennis courts and associated accessory uses. 8. Uses permitted with site plan review and special exception uses in OI and C-1 districts. 9. ~~2.~~ Government buildings and services. 10. ~~3.~~ Community residential homes. 11. ~~4.~~ Personal wireless services rooftop antennas and building or structure mounted antennas. ~~5. Uses allowed in the MUC-1 district pursuant to §158.009(L).~~ NOTE: See also sections 158.009(L) and 158.067(C).	1. Other accessory uses customarily incidental to a permitted use, a use permitted with ~~the~~ site plan review, or a special exception use. 2. Private noncommercial dish antennas. 3. A columbarium is a permitted accessory use to a church, synagogue, or other house of worship.	1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

DISTRICT (Maximum Gross ~~Residential~~ Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(MUC-2) Mixed Use Community - Islandside (overall density: 5.05 ~~D.~~U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the Islandside community approved by Resolution No. 76-7 as it has been and may be amended from time to time.	1. Single-family dwellings. 2. Multifamily developments with less than 10 dwelling units. 3. ~~1.~~ Essential services. 4. ~~2.~~ Community residential homes with six or fewer residents plus staff.	~~1. Planned unit development overlays (see §§ 158.065 through 158.071).~~ 1. Multifamily developments with 10 or more dwelling units. 2. Golf course. 3. Hotels, motels, and other tourism and time-share tourism units (existing only, except where additional tourism units may be permitted by the town's charter and comprehensive plan). 4. Parks and recreation areas. 5. Restaurants (existing only, except where permitted through a PUD). 6. Tennis courts and associated accessory uses. 7. Business and professional offices. 8. ~~2.~~ Community residential homes. 9. ~~3.~~ Personal wireless services rooftop antennas and building or structure mounted antennas. ~~4. Uses allowed in the MUC-2 district pursuant to §158.009(L).~~ NOTE: See also sections 158.009(L) and 158.067(C).	1. Other accessory uses customarily incidental to a permitted use, a use permitted with ~~the~~ site plan review, or a special exception use. 2. Private noncommercial dish antennas.	1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.
(MUC-3) Mixed Use Community – Promenade/ Water Club (overall density: 11.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses, encompassing the Promenade/Water Club communities approved by Resolution No. 81-8, as it has been and may be amended from time to time.	1. Essential services. 2. Community residential homes with six or fewer residents plus staff.	~~1. Planned unit development overlays (see §§ 158.065 through 158.071).~~ 2. Multifamily developments with 10 or more dwelling units. 3. ~~2.~~ Community residential homes. 4. ~~3.~~ Personal wireless services rooftop antennas and building or structure mounted antennas. ~~4. Uses allowed in the MUC-3 district pursuant to §158.009(L).~~	1. Other accessory uses customarily incidental to a permitted use, a use permitted with ~~the~~ site plan review, or a special exception use. 2. Private noncommercial dish antennas.	1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

DISTRICT (Maximum Gross ~~Residential~~ Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(**C-3**) Highway Oriented Commercial District	The purpose of this district is to delineate those areas suitable for highway-oriented commercial and related uses.	1. Essential services.	1. Uses permitted with site plan review and special exception uses in OI, C-I and C-2 districts. 2. Service stations and other minor retail sales, services and repairs oriented to the motoring public, excluding body repair and finishing. 3. Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.	~~1. Hotel, motel accommodations, not exceeding three tourism units per acre.~~ 1. ~~2.~~ Windwalls. 2. ~~3.~~ Trellis, subject to the standards contained in § 158.152(J). 3. ~~4.~~ Boat dock in excess of 500 square feet.
(T-3) Low-Medium Density Tourist Resort Commercial District (3 T.U. or 3 D.U./A.)	The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for low-medium-density tourist resort oriented facilities and multifamily residential uses.	1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff.	1. Multifamily developments with 10 or more dwelling units. 2. Hotels, motels, and tourism and ~~3. Community resi-~~ timeshare tourism units. 3. ~~4.~~ Community residential homes. 4. ~~5.~~ Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants. 3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only. 4. Off-street parking. 5. Other accessory uses customarily incidental to permitted use, use permitted with site plan review use or special exception use. 6. Private noncommercial dish antennas.	1. Windwalls 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

DISTRICT (Maximum Gross ~~Residential~~ Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(T-6) High-Density Tourist Resort Commercial District (6 T.U. or 6 D.U./A.)	The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for high-density tourist resort oriented facilities and multifamily residential uses.	1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff.	~~1. Permitted uses with site plan review in T3 districts.~~ 1. ~~2.~~ Multifamily developments with 10 or more dwelling units. 2. ~~3.~~ Hotels, motels, and other tourism and time-share tourism units. 3. ~~4.~~ Community residential homes. 4. ~~5.~~ Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants. 3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only. 4. Off-street parking. 5. Other accessory uses customarily incidental to permitted use, use permitted with site plan review use or special exception use. 6. Private noncommercial dish antennas.	1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

Exhibit "C"

Amendments to the table accompanying Section 158.145 *Schedule of lot, yard and bulk regulations*

DISTRICT	**LOT**				**YARD**			**BULK*** (i)		
District Uses	**Min. Area** (sq. ft.)	**Min. Width** (feet)	**Min. Depth** (feet)	**Max. Gross ~~Res.~~ Den.**	**Min. Street** (feet)	**Min. Side Yard** (both/one, feet)	**Min. Rear** (feet)	**Min. Floor Area** *(d) (sq. ft.)	**Max. Height** (stories/feet)	**Max. Coverage** (percent)
C-1	10,000	75	125	N.A.	45	15/15*(b)	20	N.A.	2/30	30 (40 with PUD/ODP)
C-2	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40	30 (40 with PUD/ODP)
C-3*(f)	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40	40 (50 with PUD/ODP)
M-1	30,000	150	175	1 accessory D.U. located on the same lot	45	50/20*(b)	25	N.A.	2/30	40 (50 with PUD/ODP)
OS-A	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	2/30	30
OS-P	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	1/15	15
OS-C	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0
MUC-1 Single-family Two-family Multifamily	~~*(g)~~ 10,000 15,000 30,000	~~*(g)~~ 100 125 150	~~*(g)~~ 100 100 150	3.26 D.U. /A. overall density	~~*(g)~~ 20 20 50	~~*(g)~~ 20/8 20/8 80/30	~~*(g)~~ 20 20 30	~~*(g)~~ 1,600 1,000/D.U 750/bedroom D.U. and 250 each addl' bedroom	4/50 (5/65 with PUD/ODP)	30*(e) (40 with PUD/ODP)
MUC-2 Single-family Two-family Multifamily	~~*(g)~~ 10,000 15,000 30,000	~~*(g)~~ 100 125 150	~~*(g)~~ 100 100 150	5.05 D.U. /A. overall density	~~*(g)~~ 20 20 50	~~*(g)~~ 20/8 20/8 80/30	~~*(g)~~ 20 20 30	~~*(g)~~ 1,600 1,000/D.U 750/bedroom D.U. and 250 each addl' bedroom	4/50 (up to 12/130 for tourism units and 8/87 for other ~~with~~ if a departure is granted in PUD/ODP)	30*(e) (40 with PUD/ODP)
MUC-3 Multifamily	~~*(g)~~ 30,000	~~*(g)~~ 150	~~*(g)~~ 150	11.26 D.U. /A. overall density	~~*(g)~~ 50	~~*(g)~~ 80/30	~~*(g)~~ 30	~~*(g)~~ 750/bedroom D.U. and 250 each addl' bedroom	4/50 (10/120 with PUD/ODP)	30*(e)

DISTRICT	**LOT**				**YARD**			**BULK*(i)**		
District Uses	**Min. Area** (sq. ft.)	**Min. Width** (feet)	**Min. Depth** (feet)	**Max. Gross ~~Res.~~ Den.**	**Min. Street** (feet)	**Min. Side Yard** (both/one, feet)	**Min. Rear** (feet)	**Min. Floor Area *(d)** (sq. ft.)	**Max. Height** (stories/feet)	**Max. Coverage** (percent)
T-3 Multifamily	25,000	100	125	3 D.U. /A.	40	35/15	25	750/ bedroom D.U. and 250 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
Tourism Unit (including time-share Tourism unit)	40,000	150	250	3 T.U. /A.	45	50/20	25	300/ bedroom D.U. and 125 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
T-6 Multifamily	30,000	150	150	6 D.U. /A.	50	80/30	30	750/ bedroom D.U. and 250 each additional bedroom	4/50 (5/65 with PUD/ODP)	30 (40 with PUD/ODP)
Tourism Unit (including time-share Tourism unit)	55,000	175	300	6 T.U. /A.	50	80/30	30	300/ bedroom D.U. and 125 each additional bedroom	4/50 (5/65 with PUD/ODP)	30 (40 with PUD/ODP)

DISTRICT	LOT				YARD			BULK*(i)		
District Uses	**Min. Area** (sq. ft.)	**Min. Width** (feet)	**Min. Depth** (feet)	**Max. Gross ~~Res.~~ Den.**	**Min. Street** (feet)	**Min. Side Yard** (both/one, feet)	**Min. Rear** (feet)	**Min. Floor Area *(d)** (sq. ft.)	**Max. Height** (stories/feet)	**Max. Coverage** (percent)
R-3MX Single-family Two-family Multifamily	10,000 20,000 25,000	100 100 100	100 100 125	3 3 3	20 20 30	25/10 20/8 35/15	25 20 25	1,600 1,000/D.U 750/bedroom D.U. and 250 each addl' bedroom	2/30 2/30 2/30	25 25 20
R-4MX Single-family Two-family Multifamily	10,000 15,000 25,000	100 100 100	100 100 125	4 4 4	20 20 40	20/8 20/8 35/15	20 20 25	1,600 1,000/D.U 750/bedroom D.U. and 250 each addl' bedroom	2/30 2/30 2/35	30 25 30
R-6MX Single-family Two-family Multifamily	10,000 15,000 30,000	100 125 150	100 100 150	6 6 6	20 20 50	20/8 20/8 80/30	20 20 30	1,600 1,000/D.U 750/bedroom D.U. and 250 each addl' bedroom	2/30 2/30 4/50	30 25 30
O-I	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)
INS	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)

(a) Density expressed in terms of dwelling or tourism units per acre is fractional and dependent upon lot sizes.

(b) If commercial use adjoins another commercial use or district, no side yard setback is required~~.~~; however, if one is provided, it shall be 15 feet. If commercial use adjoins a residential use or district, the minimum side yard setback shall be 30 feet.

(c) In R-4SF districts all lots which existed on October 15, 1969, shall contain a minimum of 9,500 square feet of area with an average width between front and rear lines to be at least 80 feet with at least 40 feet fronting on the street.

(d) Minimum floor area with respect to residential, hotel, motel or other tourism uses means minimum living area of the first habitable floor, not including garage.

(e) The maximum ground coverage by all buildings or structures (principal and accessory) shall be limited to 15 percent when one or more of the buildings or structures on the lot is six or more stories in height.

(f) For minimum area, width, depth and special regulations governing service stations, see section 158.130.

(g) Reserved. ~~To be determined at the time of outline development plan approval and site plan approval.~~

(h) In the Special Canal Waterfront Yard District for all lots abutting privately owned manmade residential canals, credit shall be given for lot depth and area by measuring lot depth to the middle of the canal. Under these circumstances, the required lot depth shall be reduced to a minimum of 80 feet. For purposes of determining all other provisions of this Code, including, but not limited to, lot coverage and setbacks, the road right-of-way, mean high-water line, bulkhead and bulkhead line shall be used in accordance with this chapter in making those determinations.

(i) Pursuant to ~~sub~~sections 158.067 ~~(D)(3)(i) and (j)~~, additional lot coverage and height may be authorized through the outline development plan approval process.